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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 39th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 15 April 1996, at 10 a.m.

Chairman. Mr. VERGNE SABOIA (Brazil)

later: Mr. MBA ALLO (Gabon)
(Vice-Chairman)

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The meeting was called to order at 10.10 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII): REPORT OF THE WORKING GROUP ON SITUATIONS ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1990/41 OF 25 MAY 1990

(agenda item 10) (continued)

1. The CHAIRMAN said that, in accordance with established practice, he wished to announce that the Commission had in closed meetings, on Friday 12 April 1996, examined the human rights situation in the following countries under Economic and Social Council resolution 1503 (XLVIII): Armenia, Azerbaijan, Chad, Mali, Nepal, Saudi Arabia, Sierra Leone, Slovenia, Thailand and Uzbekistan. In conformity with paragraph 8 of resolution 1503 (XLVIII), members of the Commission should not make any reference in public debate to the confidential decisions concerning those countries or to any confidential material relating thereto. However, since it was the practice of the Commission to disclose the names of the countries which had been considered under the confidential procedure, it would seem equitable to indicate that consideration of the human rights situation in Armenia, Azerbaijan, Mali, Nepal, Slovenia and Thailand had been discontinued.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD

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(agenda item 20) (continued) (A/50/537)

2. Mrs. MACHEL (Study on the impact of armed conflict on children), introducing the second progress report of the Study (A/50/537), said that consultations had been held with Governments, regional organizations, non-governmental organizations (NGOs), religious leaders, experts, women's groups, youth groups and children.

3. In the regional consultations, the aim had been to determine regional priorities, exchange experiences, consolidate networks and, above all, to sensitize Governments, policy makers and public-opinion leaders to the unacceptable conditions to which children were exposed as both targets and perpetrators of atrocities.

4. The Study had been supported by various United Nations bodies and agencies and international and local NGOs. Various Governments had hosted regional consultations. She had made field visits to Rwanda, Cambodia, Angola, Lebanon, Sierra Leone and Northern Ireland and intended to visit Colombia, Guatemala and the former Yugoslavia.

5. Within the framework of the Study, research was being carried out on issues crucial to understanding the impact of armed conflict on children; recommendations would be made on the basis of that research. The final report, including recommendations, would be presented to the General Assembly at its forthcoming session.

6. The phenomenon of child soldiers represented one of the most shameful forms of child abuse. The exact numbers were impossible to determine, but children under 15 were bearing arms in at least 27 countries involved in armed conflict. Adults were using children to fight their wars and, in so doing, were transferring their conflicts to the next generation. Governments and armed organizations must stop recruiting children, demobilize those already enrolled and reintegrate them into their families and civil society. The Study supported the adoption of an optional protocol to the Convention on the Rights of the Child, which would raise the minimum age of conscription to 19 years.

7. Rape, which was against all traditions, religions and cultures, had become a systematic weapon of war. Rape was always a crime and, in certain circumstances, a war crime or crime against humanity. Violators must be severely punished.

8. Land-mines, a uniquely savage technique of warfare due to their long-term social and economic consequences, had a particularly egregious impact on children. There must be a total ban on all anti-personnel land-mines and it was to be hoped that greater progress would be made at the forthcoming review conference.

9. Despite the universal consensus that children's rights merited high priority, social and economic planning seldom allocated human and financial resources to meet the needs of children in post-conflict situations. However, the best way to protect children in armed conflicts was to devise preventive measures which were less expensive than curative ones and would give children a better overall chance. Children who had survived conflicts were never as well-placed as those who had not had to face conflict.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

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(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(agenda item 9) (continued) (E/CN.4/1996/8, 42-44, 45 and Add.1, 46, 47, 48 and Add.1, 49, 50 and Add.1, 51, 52 and Add.1 and 2, 53 and Add.1 and Corr.1 and Add.2, 105, 109, 116, 117, 137, 148 and 156; E/CN.4/1996/NGO/4, 10, 20, 28, 31, 34, 37, 43, 47, 51, 56, 64 and 75; A/50/332 and 685; A/CONF.177/20; E/CN.4/1995/48; E/CN.6/1996/11)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

(agenda item 17) (continued) (E/CN.4/1996/11, 14 and Add.1, 15, 89, 90, 92, 93 and Add.1, 94, 111, 118 and Add.1, 136 and 138; E/CN.4/1996/NGO/38)

10. Mr. MASOOD KHAN (Pakistan) said that his country had been the victim of terrorism for more than a decade and was determined to fight it in all its forms. Its major port was a target of terrorism funded and organized by outside forces. Terrorism in all its forms and for whatever reason must be condemned.

11. Ordinary terrorists, could not match the ferocity of State-sponsored terrorism used to oppress the population of an occupied territory. The terrorist label should not be applied to those engaged in a legitimate combat for freedom and self-determination, such as those living under foreign occupation. Though not clearly set forth in international documents, the difference between a freedom fighter and a terrorist was intuitively obvious.

12. The Commission should appoint a special rapporteur to study the situation of peoples under foreign occupation and, in particular, the problem of holding elections in occupied territories, which were frequently rigged by the occupying power. Jammu and Kashmir was an excellent case in point.

13. The occupying power was once again attempting to hold rigged elections in that territory and to coerce the Kashmiris into taking part. Great pressure, including violent attacks, had been brought to bear on the leaders of the All Parties Hurriyat Conference (APHC) to force them to collaborate. If the true aim of that power was to protect and promote human rights, it must ensure the security of the APHC leadership and agree to the holding of a plebescite under United Nations auspices, as set forth in the relevant Security Council resolutions.

14. India's National Human Rights Commission was not an independent body. It had been created to help India gain respectability in the face of severe criticism of its violations of human rights. In addressing the Commission on Human Rights, a member of the National Human Rights Commission had labelled Kashmiri freedom fighters as "mercenaries and terrorists" and had failed to say one word about the human rights violations that were being committed against the Kashmiris.

15. Mrs. MARKIDES (Observer for Cyprus) said that the Vienna Declaration had emphasized the importance of finding lasting solutions to the problem of the voluntary and safe return and rehabilitation of refugees and displaced persons. In his compilation and analysis of legal norms (E/CN.4/1996/52/Add.2) the Representative of the Secretary-General on internally displaced persons had noted that such persons were not sufficiently protected by existing international law. Her Government therefore endorsed the idea of restating the general principles of protection in more specific detail and enhancing the system of protection in a future international instrument.

16. The refugee problem in Cyprus was the result of ethnic cleansing, foreign aggression and the military presence of an occupying power. As recognized by the United Nations High Commissioner for Refugees (UNHCR) the problem of displaced persons in her country was as important as that of refugees. Internal displacement had given rise to gross and systematic violations of human rights and fundamental freedoms, had caused tremendous human suffering and had torn apart the fabric of society. In that connection, the European Commission on Human Rights had concluded that Turkey had violated and continued to violate article 8 of the European Convention on Human Rights.

17. She urged the international community to ensure the implementation of United Nations resolutions calling for the return of Cypriot refugees to their homes, in conditions of safety and respect for human rights. If the international community had taken steps in time to prevent the forcible division of Cyprus and the ethnic cleansing there, similar deplorable actions in the former Yugoslavia and elsewhere would not have taken place.

18. Mr. CHAVEZ (Peru) said that during the 1980s and the early part of the 1990s more than 600,000 Peruvian men, women and children had been forced to abandon their lands and their way of life as a result of terrorist violence. His Government had thus made the protection of and assistance to displaced persons one of its priorities. Moreover, being all too well aware of the relationship between terrorism and human rights, it intended to sponsor a draft resolution on the issue.

19. While, in earlier times, large numbers of country dwellers had fled to the towns to escape poverty, they had never severed their rural ties. The more recent displaced persons, however, were totally cut off from social and cultural ties, making it much more difficult for them to return. It was thus essential to rebuild, both physically and socially, the homelands of the displaced persons and to assist their reintegration and resettlement.

Consequently, his Government was conducting a major resettlement programme, including specific projects in the areas of health, education, communications and emergency assistance. It had requested $126 million in funding from donors and would itself be contributing $22 million.

20. The fact was that his Government was not capable unaided of meeting all the needs of that population and much appreciated the assistance it had received from the organizations of the international community. Even greater assistance was needed, however, and above all, better coordination of efforts.

21. Mr. ROBLEDO (Mexico) said that the issue of internally displaced persons was a serious problem, in particular because such movements could be both the result and the cause of human rights violations. The affected populations must always be provided with the basic necessities and, in some cases, special measures must be taken to protect their human rights. The primary responsibility for dealing with the problem rested, of course, with the State concerned, and the international community should simply assist and intervene only in cases of massive and systematic violations of human rights.

22. While internally displaced persons did not constitute a sufficiently distinctive group to merit a separate legal regime, it would be useful to identify specific situations which gave rise to mass exoduses so as to determine the law applicable in each case. At one extreme were cases of internal tensions and natural disasters, to which human rights standards should apply, while, at the other, were situations of international armed conflict, to which international humanitarian law applied. Non-international armed conflicts would be covered by both international humanitarian law and human rights standards.

23. Nevertheless, there were areas in which internally displaced persons were not adequately protected either because of a legal vacuum or because of lack of application of a general standard. It was for the States to decide whether there was a need to elaborate a legal framework to fill such gaps. Careful and mature reflection was needed. Armed conflicts were by far the principal cause of internal displacements and existing international humanitarian law applied. Moreover, in practice, the application to internally displaced persons of the law on refugees had, resolved many problems. While the establishment of a body of principles would undoubtedly clarify the scope of certain provisions by adapting them to the situation of internally displaced persons, there was a risk of weakening positive, conventional or customary law by implying that there were various levels of legal protection.

24. Much could still be achieved through better coordination between the various agencies involved in humanitarian assistance and the protection of human rights, although they had demonstrated a welcome flexibility in interpreting their mandates to respond to situations of internal displacement. UNHCR and the International Committee of the Red Cross (ICRC) were devoting more and more resources to internally displaced persons, to enable them to return to their communities of origin in conditions of safety, dignity and sustainability.

25. The institutional mechanisms established by the Department of Humanitarian Affairs appeared to respond to current needs. The Representative of the Secretary-General should continue to advise the Inter-Agency Standing Committee and its Task Force on Internally Displaced Persons, and any standard-setting or institutional developments should be in line with the guiding principles for the coordination of humanitarian emergency assistance contained in General Assembly resolution 46/182.

26. Just as armed conflicts were the primary cause of internal displacements of persons, so land-mines were a major obstacle to the return of those forced to flee by the hostilities. Those indiscriminate weapons were the greatest enemy of reconstruction and economic and social development and their complete elimination would be a significant step towards improving the situation of the internally displaced.

27. Breaches of international law must not be legitimized by the passage of time. Cyprus was a case in point, where a population had been displaced within the country, its property confiscated and its future in jeopardy. As in many other cases, respect for humanitarian law and fundamental human rights would represent the beginning of a solution to the tragic situation they had been facing for over 20 years.

28. Mr. STROHAL (Austria) said that the protection and assistance needs of the vast numbers of displaced persons in the world were not only monumental but also extremely varied. Furthermore, most such persons were women and children. In that regard, the Representative of the Secretary-General was not only addressing specific individual situations but was also providing the international community with a sort of phenomenology of displacement. His further visits to the countries affected should contribute to a clearer understanding of the problems as well as to finding lasting solutions.

29. The Representative had rightly stressed the close links between human rights and the humanitarian issues involved as a specific characteristic of displacement. His delegation shared the Representative's views concerning the insufficient coverage of existing standards and endorsed his conclusion that a legal framework should be developed to consolidate such standards, focus attention and serve an educational purpose.

30. As for the institutional issues involved, the Representative's specific catalytic role had led to an increased recognition by the international community of the dimensions of the problem, and the Task Force on Internally Displaced Persons of the Inter-Agency Standing Committee had started to be a forum for the necessary cooperation and coordination. The readiness of all the organizations and agencies involved to support the Representative and cooperate closely with him was most encouraging, as such cooperation was crucial if the international community was to respond adequately to all the complexities involved. Such a response was particularly necessary in cases of internal or external conflict, the main cause of displacement. In that regard, the Representative had the potential not only for enhancing international conflict - resolution and mitigation but also, for strengthening the preventive capacities of the international system.

31. Mr. TIBARUHA (Uganda) said that massive and systematic violations of human rights in his country during the 1970s and early 1980s had forced many thousands of people to flee to neighbouring countries. However, a successful guerrilla war against the Government of the day by the National Resistance Movement had established peace and security, restored the rule of law, promoted respect for human rights and established a market economy and an accountable public administration.

32. The provisions of the country's new Constitution, such as the stipulation that any change of Government must be founded on the will of the people as expressed through free and fair elections conducted at five-year intervals and that the overthrow of the Constitution was an act of treason once constitutional order had been re-established, were intended to ensure that Uganda's past constitutional history of lack of democracy and massive violations of human rights was not repeated.

33. In addition to those measures, his Government has also pursued a policy of national reconciliation, which had resulted in the voluntary return of all refugees from neighbouring countries and their resettlement in their home areas at considerable government expense.

34. Ms. WILSON (Observer for New Zealand) said that the Beijing Platform for Action was an agenda for women's empowerment but the current challenge was to implement it. Primary responsibility for that implementation rested with Governments, and her country's Minister of Women's Affairs had stated that, while the level of legislative protection and economic opportunity enjoyed by New Zealand women was amongst the best in the world, there was still room for improvement. To that end, the Ministry of Women's Affairs had been directed to work with other government departments to examine options for progress in a number of specific areas including the gender-pay gap; the mainstreaming of the gender perspective in the development of all policies and programmes; data collection on all aspects of women's lives, with particular regard to those of Maori women; and enhancing women's role in decision-making. Her Government intended to develop an implementation strategy for the next 5 to 10 years so as to build on the gains women had already secured.

35. Her Government believed that lasting change could be achieved only by working with NGOs and had been actively supportive of the consultative meetings organized by New Zealand NGOs to familiarize the country's women with the Platform for Action and to identify priority areas. The NGO report would help develop New Zealand's implementation strategy for the Platform for Action.

36. At the global level, mechanisms dealing with women's issues must be reviewed and strengthened, women's concerns must be fully integrated into all aspects of United Nations activities and structures and there must be a system-wide coordination of efforts on the advancement of women. In that regard, her delegation welcomed the innovative approach adopted by the Commission on the Status of Women at its fortieth session, in particular changes which allowed for a tighter focus on follow-up issues to the Fourth World Conference on Women. Her delegation also welcomed the thematic approach to reviewing progress in each of the Platform's critical areas of concern, including the convening of expert panels.

37. A reassessment of the functions of the Division for the Advancement of Women was also required. A strong Commission needed a strong and adequately resourced secretariat. Her delegation would continue to work with others to identify ways in which improvements in the Division's functioning could be effectively achieved. It would also continue to call for the provision of adequate resources to the Committee on the Elimination of Discrimination against Women, whose Convention provided the legal underpinning for the position of women around the world and which had a crucial role to play in advancing the status of women. It was unacceptable that the Committee should remain under-resourced and reliant upon the good will and generosity of its members.

38. Intensified effort was still needed to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activities. She thus welcomed the report of the Secretary-General on the joint work plan of the Division for the Advancement of Women and Centre for Human Rights as a step in the right direction.

39. Ms. TUHOVČÁKOVÁ (Observer for the Slovak Republic) said that, since human rights continued to be violated in various parts of the world, the international community must concentrate on effective implementation and on monitoring the commitments entered into by Member States. In Slovakia, international treaties took precedence over national laws and her Government was concentrating its efforts on ratifying United Nations and Council of Europe human rights instruments, actively participating in the work of United Nations human rights bodies effectively implementing its own commitments and ensuring the human rights education of its citizens.

40. A major institution in that regard was the Slovak National Centre for Human Rights, whose main task was to support the effective development of a system for protecting human rights and fundamental freedoms in Slovakia. To that end, it had been suggesting remedies for lacunae in the country's legal system, playing a key role in the establishment and functioning of the post of ombudsman and organizing training courses for people such as judges, law-enforcement officers, NGO activists and civil liberties unions.

41. The Centre had been established with financial assistance from the Government of the Netherlands and was mainly Government funded, but it had complete legal autonomy. It would undoubtedly continue to play a key role in information-gathering and the education of the citizenry and thus be a vital instrument for the promotion and protection of human rights.

42. Mr. AL-HUMAIMIDI (Observer for Iraq) said that, in Iraq, there was no violence against women because of the attachment of society to Islamic values and the adoption of legislation to combat such violence. Moreover, his Government had established machinery to promote and strengthen the role of women and guarantee their rights in various fields.

43. However, attempts to improve the situation of women in accordance with the international instruments had been hampered by the unjust and catastrophic economic blockade, which had led to widespread suffering in Iraqi society, particularly among women and children. The acute shortage of medicines and foodstuffs had led to a sharp rise in infant mortality rates, increased

anaemia among pregnant women, a tremendous increase in the number of special deliveries and babies needing special care and a spread of infectious diseases such as cholera and typhoid. More than four million Iraqis were suffering from malnutrition. The psychological and social effects had also been considerable, particularly in the areas of education, employment and transport.

44. Ms. PENNEGARD (Observer for Sweden), speaking on behalf of the Nordic countries, said that the Commission had an important role to play in addressing the human rights of the 30 million internally displaced persons throughout the world and should continue to give support and direction to the work being done by the Representative of the Secretary-General on the subject. In his latest report (E/CN.4/1996/52 and Add.1 and 2), the Representative presented a comprehensive strategy for addressing internal displacement which went beyond the provision of emergency protection and assistance to deal with the deeper causes of displacement such as the historical denial of democratic liberties and fundamental human rights and long-standing ethnic animosity.

45. The internal situation in many areas could be better understood against that background, and the visits made by the Representative to countries where the problem was acute gave a valuable insight into its varied characteristics and causes. Thanks were due to those Governments which had responded fully to his in situ visits.

46. A comprehensive strategy needed to focus on prevention, protection and assistance. The treaty bodies, special rapporteurs, working groups and the High Commissioners for Human Rights and Refugees were already taking some promising initiatives aimed at prevention. Protection and assistance were primarily the responsibility of the Governments concerned, which should give unrestricted access to humanitarian organizations. In any case, more institutionalized relations should be established between the Representative of the Secretary-General and international humanitarian and development agencies.

47. In that connection, the reconstitution of the Task Force on Internally Displaced Persons was to be welcomed. More sustained efforts to develop programmes for internally displaced women and children would be appreciated. However, a climate conducive to permanent solutions could be brought about only when the humanitarian, human rights, political and security dimensions of situations resulting in internal displacement were dealt with simultaneously.

48. The extensive rehabilitation programmes that followed the attainment of a political solution often exceeded the resources of the State concerned. The international community should therefore be more forthcoming in providing the necessary humanitarian and development inputs.

49. The pillars on which the Representative's mandate rested were legal standards, institutions and visits to countries. In his report, the Representative enumerated areas in which international law failed to provide sufficient protection for internally displaced persons. Some of the gaps identified should be addressed in the context of humanitarian standards applicable in all situations, and practical guidelines restating general

principles of protection in more specific detail should be developed in a manner similar to the UNHCR guidelines for the protection of refugee women.

50. No institution currently had an exclusive and full mandate for dealing with the internally displaced. The progress made by the Representative in delineating a clearer chain of responsibility at all levels was therefore most welcome. All inter-agency structures should give him the support he had requested. The Nordic countries fully endorsed the Representative's underlying concept with regard to his country visits and expressed their full support for his work and future plan of action.

51. Mr. KUZNIAR (Observer for Poland) said that the current programme and methods of work of the Commission were untenable. The Commission was being overworked to such a degree that it was no longer able to fulfil its tasks adequately. There were too many agenda items and too many decisions to be taken. The fact that each topic was considered to be of equal importance inevitably led to all topics being treated in an insufficient and shallow way.

52. To change that situation, the Commission needed to make a rational selection of items for scrutiny each year. Many items and their related draft resolutions could be considered on a biennial basis. In addition, proper priority-setting was required. The highest priority should be given to violations of human rights during armed conflicts, civil strife, disturbances and states of emergency, whether declared or not.

53. The Commission's work was being increasingly duplicated by the Sub-Commission, which also embarked upon too many issues. Streamlining and a reduction in the number of its agenda items would allow it to fulfil its mandate better, particularly with regard to the study of new developments in the field of human rights. Furthermore, doubts had been expressed regarding the impartiality and objectivity of the Sub-Commission and the expertise of its members and alternates. In a few cases, its very credibility had been at stake and the Commission had rightly indicated its increasing concern in that regard.

54. There was reason to think that the Commission was itself largely responsible for the way in which the Sub-Commission worked. It was the Commission's task to give considered attention and guidance to the work of the Sub-Commission. If, the Sub-Commission carried out its mandate efficiently and genuinely contributed to the further promotion of human rights, then it deserved the Commission's support. If not, the Commission should give serious consideration to finding a more appropriate institutional solution to the mandate currently entrusted to the Sub-Commission. However, the Sub-Commission should first be given a chance to re-examine its position and propose a solution.

STATEMENT BY THE MINISTER OF JUSTICE OF ZAIRE

55. Mr. N'SINCA (Zaire) said that, in the six years of its transition to democracy, his country's political, economic and social situation had been far from enviable. Certain political figures had seen the end of the autocratic system of government as an ideal opportunity to rocket to power by booting out the former political leaders; others had thought it best to reach an

accommodation with the Head of State and try to win him over to the cause of institutional reform. That jockeying for position, often reflecting tribal or clan divisions, had polarized politics into two artificially opposing camps, undermined the authority of the State, the organization of the civil service and general discipline and revived ethnic conflicts that had virtually been quelled. Even the judiciary had been plunged into disarray.

56. There were also serious difficulties in the economic and social sectors. A steady economic downswing since 1975 had resulted in general and structural impoverishment of the population. Virtually all investment in the social sectors had stopped. As if those problems were not enough, Zaire had been invaded by thousands of refugees fleeing atrocities in Rwanda and Burundi.

57. The political impasse had been resolved by the formation, from the two opposing political camps, of a single institutional framework in April 1994. The transitional Government was striving to restore the authority of the State, provide for the security of individuals and property, protect fundamental freedoms and promote freedom of expression and of the press. He would not go so far as to say that there was full respect for human rights in Zaire, but no country in the world could assert that violations of human rights never occurred in its territory.

58. It would be wrong, however, to say that his country had made no progress in the field of human rights. The Special Rapporteur's report on the situation of human rights in Zaire (E/CN.4/1996/66) contained some exaggerations concerning the legal arsenal in force in Zaire while passing over in silence the positive initiatives taken by the Government to ensure enjoyment of human rights. For example, the Special Rapporteur attributed the delay in opening an office in Zaire of the High Commissioner for Human Rights to "lack of coordination within the Government". An agreement to set up the office had been largely fleshed out in early 1996, but the High Commissioner had just proposed a number of amendments to the text. Those amendments had been submitted to his Government, and he hoped that the agreement could be signed in the very near future.

59. It was true that there had been a considerable delay in the submission of reports under a number of international human rights instruments, but that problem had for the most part been overcome and his Government undertook to submit its reports in future in a timely fashion.

60. The more than 400 political parties born of the process of democratization had been grouped into two large "political families" that would have to get along together until elections enabled the people to choose its own representatives. That was a pragmatic and temporary measure aimed at ensuring that political power was exercised during the transitional period and not, as the Special Rapporteur suggested, a deliberate attempt to exclude certain categories of individuals or minorities.

61. The Special Rapporteur asserted that unlimited power was still vested in President Mobuto, but that was not true. The democratization process was an irreversible one and its slow pace was attributable, not to a lack of political will, but to the multiple difficulties facing the country and to conservative resistance.

62. The Constitutional Act placed on the Government the duty to disseminate the Universal Declaration of Human Rights and other international human rights instruments. The Zairian National Commission on Human Rights, which drew on representatives of all sectors of society, had been established.

63. The Special Rapporteur alleged that "exercise of the right to freedom of assembly had declined" and expressed concern about "hostile feelings" in various sectors of the Government towards NGOs, describing as "reprisals" the fact that the Government required organizations to operate in conformity with the law. But everyone, including human rights defenders, had to respect the law.

64. In an effort to achieve judicial reform, the Government proposed to review the remuneration of judges, improve their working conditions and restore discipline among them. However, the proper functioning of the judicial machinery required human and financial resources that were currently not available. In such circumstances elections alone would not guarantee the advent of democracy. It was true that Zaire's prisons were antiquated and did not ensure confinement in conditions of human dignity. Efforts were being made to overcome those problems, despite the meagre financial resources.

65. The Special Rapporteur frequently mentioned human rights abuses by members of the armed forces, and that was an allegation that could not be denied. Being aware of the situation, the Government had sponsored draft legislation for the establishment of a supreme defence council and was taking steps to convene an assembly of members of the armed forces and security forces. There was no organized or government-sponsored facility for inflicting torture. Acts of torture, which were not peculiar to Zaire, were the work of isolated individuals who, if prosecuted, were subject to the penalties prescribed by the law.

66. With respect to what the Special Rapporteur described as "regional cleansing" in Shaba, the Government had dismissed the principal instigator of such measures, the former Governor of Shaba. In late 1995, the Special Rapporteur had alerted the Government to cases of arbitrary arrest and detention and other abuses committed by members of the armed and police forces. The Government had already taken action on a number of those cases. The paediatrician described in the Special Rapporteur's report as having been killed was in fact alive and had been transferred, at his own request, to Butembo Hospital.

67. He wished to reaffirm the profound commitment of his Government to the promotion and protection of human rights. It would continue to cooperate fully with United Nations mechanisms in the struggle against human rights violations. He called for the support of the international community, not only for the organization of free, democratic and open elections, but also for assistance in rehabilitating institutional arrangements for human rights promotion, particularly the judicial machinery.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF CROATIA

68. Mr. SIMONOVIC (Croatia) said that, in its short life as an independent State, Croatia had become a party to almost all the international human rights

instruments. It had recently ratified the two optional protocols to the International Covenant on Civil and Political Rights and had recognized the competence of the Human Rights Committee.

69. However, the results achieved in democratizing political life, establishing the rule of law and protecting human rights had been undermined by the aggression against his country. One-third of its territory had been occupied and large-scale human rights abuses, some amounting to war crimes, had been committed. Thousands of Croats and other non-Serb citizens of Croatia had become refugees or displaced persons. Those facts should not be forgotten when the Commission was preparing resolutions or attempting to attribute the responsibility for war crimes. Such objectivity was due to the victims and to those who must be protected from similar violations in the future.

70. Croatia's efforts to re-establish control over its occupied territory by peaceful means had remained fruitless for four long years. When it had finally turned to its last resort - military operations - it had rapidly recovered most of that territory. Those operations had changed the balance of power in the region and had facilitated the signing of the peace agreement. After the operations, it was true that a number of human rights violations had been committed against Serbs remaining in the liberated areas of Croatia. Thorough investigations involving more than 1,000 individuals had been carried out into the alleged crimes and, to restore confidence, the President of Croatia had pardoned 455 Croatian Serbs accused of armed rebellion.

71. Croatia was firmly committed to the peaceful reintegration of its remaining occupied territory, the key elements of which were demilitarization, the return of displaced persons and refugees and the effective protection of human rights.

72. Croatia still harboured 380,000 displaced persons and refugees, though 30,000 displaced persons had returned home. His Government had launched extensive reconstruction programmes to redevelop the devastated areas with due regard for their ethnic structure. It was also working to improve living conditions for the remaining Serb population in the liberated areas, through such measures as financial support, humanitarian aid and medical and welfare coverage. Serbs, like the 15 other ethnic minorities living in Croatia, were regarded as citizens entitled to equality and the use of their own language and script.

73. Times were still hard for Croatia, but his Government believed it was on the road to recovery. Lasting peace must be established among the successor States to the former Yugoslavia. In that connection, the protection of human and minority rights was a cornerstone for the peaceful reintegration of Eastern Slavonia.

74. A fair chance of reconciliation and recovery must be given to Bosnia and Herzegovina. In that connection, his Government firmly supported the strengthening of the Federation and remained fully committed to the Washington Agreements. It was ready to contribute to overcoming obstacles such as the massive return of refugees and displaced persons, the protection of their

human rights, the organization of elections, the creation of adequate employment and living conditions and the rebuilding of the confidence destroyed by war.

75. Since its independence, Croatia had striven to build a fully democratic society but the burden of transition had been aggravated by the aggression and the accompanying atrocities. When it finally resumed control of all of its territory, it would be able to proceed further with its democratic transformation. Its long-awaited membership of the Council of Europe would consolidate its international achievements as a democratic State willing to measure its activities by the highest international human rights standards.

76. His Government was very grateful to all those who had helped it to protect human rights during difficult times. Special thanks were due to the High Commissioner for Human Rights, to the current and former Special Rapporteurs on the human rights situation in the former Yugoslavia, and to the Expert on the special process dealing with missing persons in the former Yugoslavia, whose mandate was a source of hope for the relatives of the persons concerned. In that context, the international community should exert pressure on those parties that refused to cooperate in tracing the missing persons.

77. Mr. Mba Allo (Gabon), Vice-Chairman, took the Chair.

STATEMENT BY THE SECRETARY-GENERAL OF THE ORGANIZATION OF THE ISLAMIC CONFERENCE

78. Mr. ALGABID (Secretary-General of the Organization of the Islamic Conference (OIC)) said that, inspired by the noble teachings of the Holy Koran and the tradition of the Prophet, OIC had constantly campaigned for respect for fundamental human rights and had fully cooperated with the international community in its efforts to promote an international order based on equality, justice, fraternity and solidarity among nations and peoples.

79. The sustained efforts of the United Nations to carry out its historic mandate to promote the self-determination of peoples under colonial rule were highly commendable. There were still, however, peoples struggling to put an end to foreign domination, to the exploitation of their resources and to the usurpation of their fundamental rights. OIC therefore urged the international community to redouble its efforts to root out the last bastions of colonialism.

80. OIC thus reiterated its support for the Palestinian people. In spite of the ongoing peace process in the Middle East - which OIC supported - Israel continued to pursue a repressive and expansionist policy through its aggression against Lebanon, the closing-off of the Palestinian territories, collective punishments and the continued establishment of Israeli settlements. A just and lasting peace could be achieved only by securing an Israeli withdrawal from all the occupied Palestinian and Arab territories, including Al-Quds al-Sharif, the Syrian Golan and southern Lebanon, and by enabling the people of Palestine to establish its own independent State under the leadership of the Palestine Liberation Organization (PLO).

81. The Commission should expedite full and thorough investigations of the Serb atrocities against the civilian population of Bosnia and Herzegovina, whose cause OIC supported. It also fully supported the important work of the International Criminal Tribunal and called upon the international community to assist it in prosecuting the perpetrators of war crimes. The discovery of numerous mass graves indicated that large numbers of Bosnians had been summarily executed by the Serbs.

82. For over six years, the Indian security forces had been engaged in a campaign to suppress the struggle of the people of Jammu and Kashmir for the realization of its fundamental right to self-determination. The rapidly deteriorating situation in Kashmir was a source of deep concern to the Islamic world. OIC had consistently urged India to end its repression and to respect the human rights of the Kashmiri people, including its right to self-determination, and to seek a peaceful solution to the dispute. OIC once again appealed to the Commission to take concrete and immediate steps to put an end to the sufferings of the Kashmiri people.

83. OIC was deeply concerned at the plight of more than one million displaced persons and refugees in Azerbaijan, victims of Armenian aggression, and called for an end to the violations of the human rights of the Azeri population in the occupied Azeri territory.

84. OIC hoped that concrete action would be taken to protect the rights of the Muslim communities living in certain countries. The situation of Muslim minorities in the Federal Republic of Yugoslavia continued to be a particular source of concern. There had been increasing reports of violations by the Serbian authorities of the human rights of the non-Serb populations in Kosovo, the Sanszak and Vojvodina. OIC called upon the international community to take effective measures to safeguard the rights and freedoms of the Albanian population in Kosovo and of the Bosnian population in the Sandzak.

85. OIC was also concerned about the serious humanitarian consequences of the conflict in Chechnya and called for abstention from the use of force, respect for international humanitarian law, and a negotiated political settlement.

86. OIC priorities also included the right to development and cultural, economic and social rights, regarding which the Commission had taken some commendable steps. OIC hoped that the Commission would be able to develop an effective strategy for the implementation of those basic rights so that the problems of poverty, hunger and disease could be resolved.

87. If the Commission was to address the crucial humanitarian problems facing the international community effectively, its approach must be based on impartiality and objectivity, without any discrimination or selectivity. OIC, remained committed to making a meaningful contribution to efforts to promote better understanding among the nations in the realization of their common aspirations to peace, progress and prosperity.

The meeting rose at 1 p.m.